

Appl. No. 10/791,569

Reply to Office Action mailed April 19, 2007

R E M A R K S

The first paragraph on page 2 of the April 19, 2007 Office Action states that applicants' reply on February 1, 2007 included a traversal of the Restriction Requirement. It was stated in said first paragraph on page 2 of the April 19, 2007 Office Action that the traversal was not found persuasive for several reasons, one of which referred to a "single inventive concept."

As asserted on page 8 of applicants' RESPONSE TO RESTRICTION REQUIREMENT filed February 1, 2007, the Restriction Requirement was traversed on the ground that the Restriction Requirement was based on 35 USC 372, PCT Rule 13.1 and 37 CFR 1.499, which govern national phase applications of International applications filed pursuant to 35 USC 371. However, the above-identified application was filed pursuant to 35 USC 111 as a continuation-in-part application of International application PCT/JP03/111248.

It is respectfully requested that the Restriction Requirement be withdrawn, since the Examiner provided no reasons for a Restriction Requirement for a 35 USC 111 application.

The Office Action enclosed copies of the INFORMATION DISCLOSURE STATEMENTS BY APPLICANT Form PTO/SB/08A dated

Appl. No. 10/791,569
Reply to Office Action mailed April 19, 2007

December 5, 2005, Form PTO/SB/08A dated January 31, 2005 and PTO/SB/08A dated March 1, 2004, with the Examiner's initials in the left column next to each cited publication, except for DE 3734424.

The reason why the Examiner did not consider DE 3734424 (which was cited on the Form PTO/SB/08A dated December 5, 2005) is set forth on page 4, lines 5 to 11 of the April 19, 2007 Office Action, wherein it was stated that a concise explanation of relevance was not provided. Applicants respectfully disagree with such position for the following reason.

DE 3734424 was cited in the Supplementary European Search Report dated October 14, 2005, which is in English. DE 3734424 was indicated to be an "X" category publication.

The Examiner's attention is directed to MPEP 609.04(a) III which states as follows:

"Where the information listed is not in the English language, but was cited in a search report or other action by a foreign patent office in a counterpart foreign application, the requirement for a concise explanation of relevance can be satisfied by submitting an English-language version of the search report or action which indicates the degree of relevance found by the foreign office. This may be an explanation of which portion of the reference is particularly relevant, to

Appl. No. 10/791,569
Reply to Office Action mailed April 19, 2007

which claims it applies, or merely an 'X',
'Y', or 'A' indication on a search report."

In view of the above, the Examiner is respectfully requested to return a copy of the Form PTO/SB/08A dated December 5, 2005 with the Examiner's initials in the left column next to each cited publication including DE 3734424, to indicate that DE 3734424 was considered and made of record.

Claims 2, 9, 18 and 45 were rejected under 35 USC 112, second paragraph, for the reason set forth at the bottom of page 4 of the April 19, 2007 Office Action.

The word "mainly" was deleted from claims 2, 9, 18 and 45. Withdrawal of the 35 USC 112, second paragraph rejection is thus respectfully requested.

The above amendment to claim 2 involving the terminology of "sputtering target material" is supported by original claim 7. Original claim 7 recites that the metallic material for an electronic component can be used as a material for a target for a sputtering process.

Claims 9, 18 and 45 were amended by adding the terminology of "formed by a sputtering process using a sputtering target material," which is supported on page 35, line 24 to page 36, line 7, and page 40, lines 5 to 19 of the specification.

Appl. No. 10/791,569

Reply to Office Action mailed April 19, 2007

Claims 2, 9, 18 and 45 were rejected under 35 USC 103 as being unpatentable over USP 4,818,283 to Grunthaler et al.; Xiao et al., Scripta Metallurgica et Materialia, Vol. 32, No. 3, pp. 353-358 (1995) or Chu et al., Journal of Applied Physics, Vol. 85, No. 9, 6462-6469 (1999) for the reasons set forth on pages 3 and 4 of the April 19, 2007 Office Action.

USP 4,818,283 (Grunthaler et al.) discloses a Cu alloy which contains 0.3-15 wt% of Mo.

Xiao et al. state in Experimental Procedures on page 353 (lines 1 to 5) that Cu-Mo nanocrystalline thin films are produced by magnetron sputtering, and that the target of this sputtering is produced by attaching pieces of pure Cu foil to a Mo target.

Chu et al. state in Experimental Procedures on page 6462 (lines 1 to 4) that Cu-Mo films are produced by sputtering, and that the target of this sputtering is produced by attaching a 99.95% pure MO target to a 99.9% pure Cu plate.

However, none of these three references teach or suggest "sputtering target material consisting essentially of a binary alloy including Cu and Mo in an amount of 0.1 to 3.0% by weight," which is the sputtering target material of applicants' present claims.

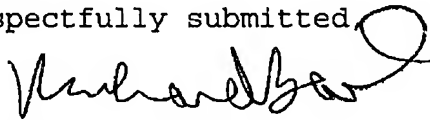
Appl. No. 10/791,569
Reply to Office Action mailed April 19, 2007

Withdrawal of the 35 USC 103 rejection is thus respectfully requested.

Reconsideration is requested. Allowance is solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted



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